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REMARKS

The drawings were objected to as referring to a "non-existent" figure. Corrected formal drawings are submitted herewith and the objection is believed obviated.

The Specification was objected to for various informalities. These objections are believed obviated by the above amendments.

The Specification was objected to for failing to provide proper antecedent basis for the claimed subject matter. The Examiner asserts that the coupling of the absolute pressure sensor to an ambient pressure reference unit (e.g., claim 2) is not supported. Applicant respectfully traverses. Reference is made to paragraph [070] that discusses a remote and/or portable station that is telemetrically coupled with the IPG and that provides numerous types of data, including "relative" patient data. As is known, ambient pressure data accounts for atmospheric pressure relative to the patient and is measured outside of or external to the environment that the fluid pressures sensor operates. Furthermore, the originally filed claims are a part of the specification and *ipsis verbis* agreement between the claim language and the language of the specification is not required (MPEP 2173.05(e)). As such, Applicant respectfully asserts that the objection has been obviated.

Claims 1, 8 and 17 were objected to for various informalities. In each instance, language was deleted from the claims effectuating a broadening amendment to the claims. Applicant respectfully asserts the objections have been obviated.

Claims 11 and 12 were rejected under 35 USC 112, second paragraph as being indefinite. The Examiner asserts that it is unclear if "leads" are included as part of the invention. Figure 1 illustrates an embodiment wherein a pressure sensor is coupled with a lead. Claim 11, for example, reads in relevant part "wherein said pressure sensor is coupled to a pacing lead." Applicant is hard-pressed to ascertain anything particularly confusing or indefinite about this

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language. The Examiner is reminded that the "focus during examination . . . is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." MPEP 2173.02. The notion that an element must be presented in the format suggested by the Examiner in order to be "positively recited" finds no support in the patent laws or rules of practice. The term "pacing lead" or "defibrillation lead" is properly introduced as a new element in claims 11 and 12 respectively. Applicant did not introduce the concept of such a lead being "adapted to be coupled" – the Examiner did so *sua sponte*; the language clearly states that the sensor is coupled with a lead. Applicant respectfully requests withdrawal of the rejection. If the Examiner chooses to maintain the rejection, Applicant requests specific reference to a supporting legal basis.

The claims were rejected under 35 USC 102(b) and/or 35 USC 103(a) over US Patent 6,026,324 ("Carlson"). Applicant respectfully traverses these rejections. As the Examiner is well aware, for a reference to anticipate a claim, the reference must teach each element of the claim. Contrary to the Examiner's assertions, the Carlson reference does not teach measuring a fluid pressure nor measuring a fluid pressure with a pressure sensor adapted to be coupled to a cardiac chamber. Furthermore, the reference does not teach means for measuring developing fluid pressure nor means for measuring developing fluid pressure with a pressure sensor adapted to be coupled to the cardiac chamber and providing a pressure signal therefrom. For these and other reasons, the rejection is unsupportable and must be withdrawn.

Carlson teaches placing an accelerometer in the housing or "can" of a device and mandates that such a housing be placed external to the heart. By sensing movement of heart, while the patient remains still, Carlson asserts that pulse pressure can be derived from the motion signals produced by the accelerometer. Thus, the Carlson device does not "measure" pressure; it measures (presumably) relative movement of the entirety of the heart with respect to the can. The accelerometer certainly does not measure "developing

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fluid pressure" from within a cardiac chamber. Carlson specifically teaches away from such measurements. See, for example, column 1, line 50 to Column 2, line 5. Thus, the reference and the Examiner's comments do not support and rejection based upon anticipation nor do they set forth a *prima facie* case of obviousness. Similar reasoning applies to claims 8 and 17, and the claims that depend therefrom.

With respect to the Examiner's assertion that Carlson's inclusion of an accelerometer teaches coupling a pressure sensor to a lead, Applicant respectfully disagrees. The reference is explicit; the accelerometer (which is not a pressure sensor) is disposed within the can. The leads are external to the can and Carlson does not teach any interconnection or coupling (electrical or mechanical) between the two. Again, the reference teaches away from including a pressure sensor and teaches away from including a pressure sensor coupled with a lead.

Applicant respectfully traverses the Examiner's rejection of claims 9 and 19. Claim 9, for example, states that the pressure sensor is an "absolute pressure sensor." The Examiner acknowledges that Carlson fails to teach an absolute pressure sensor (of course, it fails to teach any actual pressure sensor), but then states that "what constitutes an absolute pressure sensor may depend upon how the signal is processed." Furthermore, the Examiner states that "the claims do not require that the absolute pressure be actually measured, simply that the sensor is an absolute pressure sensor." Thus, the "accelerometer" of Carlson "could" be an absolute pressure sensor.

Paraphrasing the Examiner, the claim includes an absolute pressure sensor; Carlson does not have an absolute pressure sensor; an absolute pressure sensor could be used for something other than sensing absolute pressure, therefore the accelerometer of Carlson "is capable of being an absolute pressure sensor." Such reasoning is illogical and unsupportable and ought not require rebuttal by Applicant. Carlson does not teach a pressure sensor and does not teach an absolute pressure sensor.

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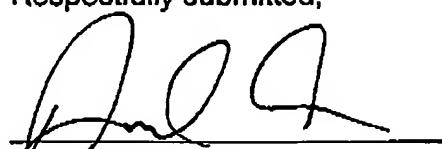
The Examiner further states, "the accelerometer sensor disclosed by Carlson would not appear to be affected by ambient pressure." Certainly true as it is an accelerometer and not a pressure sensor and is not directly affected by ambient pressure; therefore it is not an absolute pressure sensor as claimed. An accelerometer is affected by gravity (an ambient condition), patient position, patient activity, breathing, muscle contractions and a myriad of other factors; thus, it is anything but absolute in the sense advocated by the Examiner.

The Examiner then states that regardless, Applicant has failed to show the "criticality" of such a sensor. Applicant respectfully asserts that the claims are to be examined in their entirety and any rejection must be based on what a reference or combination of references does or does not teach. The Examiner's subjective determination of importance is not a relevant factor in determining patentability.

In summary, the claims are directed to a method or device that includes or uses a pressure sensor to measure fluid pressure within a cardiac chamber. Carlson explicitly teaches away from this and provides an accelerometer in a can. The rejections are unsupportable and Applicant respectfully requests that they be withdrawn. Applicant respectfully asserts that the claims are in condition for allowance and notice of the same is solicited.

Respectfully submitted,

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